



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/977,978
Title: Software Implementation Of Cellular Automata Based Random
Number Generators
Applicant(s): J. Barry Shackleford et al.
Filing Date: October 17, 2001
Examiner: PHAN, Thai Q
Art Unit: 2128
Atty Docket. No. 10019023-1
Confirmation No. 4384

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection of January 24, 2006 in the above-identified application rejecting claims 1-24 and 29. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated in the remarks below.

REMARKS

Claims 1-6

The Final Office Action mailed January 24, 2006 rejected claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Gutowitz, US Patent No. 5,365,589, but failed to point out with particularity where, if at all, any or all of these limitations were described in Gutowitz.

Applicant respectfully requests the review panel to review this anticipation rejection of claims 1-6. Each and every element of claim 1 and its dependent claims 2-6 are not shown in Gutowitz as explained in Applicants' previously provided arguments in Applicant's response submitted October 28, 2005 on pages 10-13.

Claims 7-24 and 29

The Final Office Action mailed January 24, 2006 rejected claims 7-24 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Lyke US Patent No. 6,215,327.

Applicant respectfully requests the review panel to review this anticipation rejection of claims 7-24 and 29. The final action for these claims also fails to address applicants' actual claim elements language, instead skipping language in claims (e.g., claim 7) or referencing one claims but reciting the claim language of another claim (e.g., claim 18). See claims 7 and 18 and their discussion on pages 3 and 4 of the final office action.

Each and every element of each of claims 7-24 and 29 are not shown in Lyke as explained in Applicants' previously provided arguments in Applicant's response submitted October 28, 2005 on pages 13-16.

Conclusion

It is respectfully requested that claims 1-24 and 29 be allowed over these references in addition to allowed claims 25-28.

Respectfully Submitted on Behalf of Applicants
J. Barry Shackelford et al.



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Date: 5/24/06

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